

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2212 of 2018**

1. M/s Vinayak Industries, Through Its Proprietor Namely Shiv Shankar Agrawal, S/o Shesh Narayan Agrawal, Aged About 43 Years, R/o Village Manth, Police Station Kharora, Baloda Bazar Road, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Shiv Shankar Agrawal S/o Shesh Narayan Agrawal Aged About 43 Years R/o Village Manth, Police Station Kharora Baloda Bazar Road District Raipur Chhattisgarh. (Petitioner Filing The Petition In This Personal Capacity Also), District : Raipur, Chhattisgarh
3. Shesh Narayan Agrawal S/o Shyam Sundar Agrawal Aged About 75 Years R/o Village Manth, Police Station Kharora, Baloda Bazar Road, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Central Bank Of India, A Body Corporate Constituted Under The Banking Companies (Acquisition And Transfer Of Undertaking) Act 1970 Having Its Head Office At Chandermukhi, Nariman Point, Mumbai - 400021 And On The Branch At Fafadih Ne2.00cmar Guru Govind Singh Chowk ,fafadih Chowk K K Road, (Moudahapara Road) Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Authorized Officer, Central Bank Of India, Branch Fafadih, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Authorized Officer, Central Bank Of India, Branch Fafadih, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Naib Tahsildar Kharora, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioners	Shri Manoj Paranjpe, Advocate
For Respondent-State	Shri Avinash Singh, PL
For Respondent-Bank	Shri P. N. Bharat, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra**Order On Board****09/01/2019**

1. Challenge in this petition is to the order passed by the District Magistrate, Raipur on 28.03.2018 entering correction in its previous order dated 05.02.2018 to the effect that in addition to Khasra No.534/1, area 0.158 Hectares at Village Manth, RI Circle Kharora, Tehsil and District Raipur, the first order should be read to have been passed also in respect of another Khasra No.534/1, area 0.158 Hectares, total area 0.316 Hectares.
2. Challenge has been thrown on the ground that once the District Magistrate has passed the final order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, he becomes *functus officio* and could not have passed an order, which does not amount to correction of clerical error but it amounts to passing an order for a larger area which was not included in the first order.
3. At this stage, Shri Bharat, learned counsel for the respondent Bank, would submit that the order (Annexure-P-7) shall not be acted upon by the Bank instead the Bank may be granted liberty to move a fresh application under Section 14 of the Act, 2002 for obtaining physical possession of the left out Khasra No.534/1, which according to the Bank was renumbered as Khasra No.534/10, area 0.158 Hectares, Village Manth, RI Circle Kharora, Tehsil and District Raipur.
4. In view of the statement made, the writ petition is disposed of reserving liberty in favour of the Bank to move a fresh application before the

District Magistrate in respect to the left out Khasra No.534/10, area 0.158 Hectares. If such application is filed by the Bank, the same shall be decided expeditiously, preferably within the time limit fixed by the statute.

Sd/-
Prashant Kumar Mishra
Judge

Nirala